

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Ina Steiner,
David Steiner,
Steiner Associates, LLC,

Plaintiffs,

v.

eBay, Inc.,
Progressive F.O.R.C.E. Concepts, LLC,
Devin Wenig,
Steve Wymer,
James Baugh,
David Harville,
Brian Gilbert,
Stephanie Popp,
Stephanie Stockwell,
Veronica Zea,
Philip Cooke, and
John and Jane DOE,

No. 1:21-cv-11181-DPW

Defendants.

**DEFENDANT DEVIN WENIG'S MOTION
(AS TO WHICH PLAINTIFFS TAKE NO POSITION)
FOR LEAVE TO FILE A 20-PAGE REPLY BRIEF ON JUNE 24, 2022**

Defendant Devin Wenig requests that he be allowed to file a reply in support of his motion to dismiss, that he have until June 24, 2022 to file the reply, and that he be allowed 20 pages for the reply. Counsel for Mr. Wenig has conferred with Plaintiffs' counsel and is authorized to state that Plaintiffs take no position on his request for leave to file and, if leave is granted, do not oppose his extension requests.

In support of his motion, Mr. Wenig states:

1. Mr. Wenig moved to dismiss Plaintiffs' 92-page, 366-paragraph, 12-count complaint on October 28, 2021. Dkt. No. 79.

2. After Plaintiffs and eBay notified the Court that they had failed to resolve the litigation, the Court lifted the stay and granted Plaintiffs' motion to extend the time to file their consolidated response to the various defendants' respective motions to dismiss to May 23, 2022. Dkt. No. 114.

3. On that date, Plaintiffs filed an 82-page consolidated response to which they appended 545 pages of "extrinsic evidence." Dkt. Nos. 117, 117-1.

4. Mr. Wenig believes that the Court would benefit from, and he wishes to submit, a reply in support of his motion to dismiss.

5. Under the current schedule, the reply briefs of the defendants with leave to file a reply are due June 6, 2022. Dkt. 116.

6. Given the volume of what Mr. Wenig must address in a reply, the competing professional and personal obligations of his counsel, and the intervening public holiday, Mr. Wenig needs until June 24, 2022, to properly prepare a reply.

7. Mr. Wenig understands that other defendants will be submitting similar requests, so that all defendants' replies would be due on the same day.

8. Counsel for Mr. Wenig has conferred with Plaintiffs' counsel, who stated that Plaintiffs take no position on Mr. Wenig's request for leave to file a reply and, if leave is granted, do not oppose his request that he be allowed to file a 20-page reply on June 24, 2022.

Wherefore, Mr. Wenig asks that he be allowed to file a 20-page reply on June 24, 2022.

Dated: May 26, 2022

Respectfully submitted,

/s/ Andrew E. Tauber
Abbe David Lowell (*pro hac vice*)
Andrew E. Tauber (*pro hac vice*)
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Counsel for Devin Wenig

RULE 7.1 CERTIFICATION

Undersigned counsel certifies that on May 26, 2022, counsel for Devin Wenig conferred with Plaintiffs' counsel, who stated that Plaintiffs take no position on Mr. Wenig's request for leave to file a reply and, if leave is granted, do not oppose his request that he be allowed to file a 20-page reply on June 24, 2022.

/s/ Andrew E. Tauber

Andrew E. Tauber

CERTIFICATE OF SERVICE

Undersigned counsel certifies that on May 26, 2022, the foregoing motion for leave to file a 20-page reply on June 24, 2022, was served on all counsel of record via the Court's ECF system.

/s/ *Andrew E. Tauber*
Andrew E. Tauber